

University of Oklahoma College of Law University of Oklahoma College of Law Digital Commons

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

1-24-1885

Letter from the acting Secretary of the Treasury,
transmitting estimate from Secretary of the Interior
of an appropriation to purchase certain
improvements within the Mescalero Indian
Reservation, New Mexico

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>



Part of the [Indian and Aboriginal Law Commons](#)

Recommended Citation

H.R. Exec. Doc. No. 124, 48th Cong., 2nd Sess. (1885)

This House Executive Document is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact darinfox@ou.edu.

MESCALERO INDIAN RESERVATION.

LETTER

FROM THE

ACTING SECRETARY OF THE TREASURY,

TRANSMITTING

Estimate from Secretary of the Interior of an appropriation to purchase certain improvements within the Mescalero Indian Reservation, New Mexico.

JANUARY 24, 1885.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT,
January 23, 1885.

SIR: I have the honor to forward herewith, for the consideration of Congress, an estimate of appropriation received from the Secretary of the Interior, as follows:

To enable the Secretary of the Interior to purchase certain improvements belonging to J. H. Blazer, Z. Hedges, and David M. Easten, within the Mescalero Indian Reservation, in New Mexico, as appraised by a Board of Army officers appointed by Special Orders No. 229, Headquarters Department of the Missouri, dated November 28, 1884, \$5,069.

Very respectfully,

CHARLES E. COON,
Acting Secretary.

To the Hon. SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF THE INTERIOR,
Washington, January 19, 1885.

SIR: I have the honor to transmit herewith for presentation to Congress under the direction contained in the second section of the act of July 7, 1884 (Pamph. Ed. U. S. Stats., p. 254), an item of appropriation in the sum of \$5,069, for the payment to certain parties named therein of the value of improvements upon lands occupied by them within the Mescalero Indian Reservation, as established by Executive authority, in the Territory of New Mexico.

The letter of the Commissioner of Indian Affairs of the 17th instant, with report of the Board of Army officers appraising the improvements referred to therein, will also be found herewith.

Very respectfully,

M. L. JOSLYN,
Acting Secretary.

The Hon. SECRETARY OF THE TREASURY.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 17, 1885.

SIR: Under date of November 10, 1884, I transmitted to the Department a copy of a letter from Agent Llewellyn, of the Mescalero Agency, in New Mexico, who was then in this city, asking for the appointment of a Board of Army officers to examine and appraise the value of the improvements on certain farming lands within the Mescalero Reservation, held by J. H. Blazer and Z. Hedges, with the view to their purchase by the Government for the use and benefit of the Indians on said reservation.

Concurring in the views expressed by Agent Llewellyn, I had the honor to recommend that request might be made to the honorable Secretary of War for the appointment of a Board of officers to make the appraisement and report the result of their proceedings for the information of this office.

Agreeably with such recommendation, a Board was in due time appointed, and I have now the honor to be in receipt, by Department reference January 10, 1885, of the letter of the honorable Secretary of War, transmitting a copy of the report of the proceedings of the Board, which report is dated December 13, 1884.

It appears from said report that the value placed upon the improvements found upon the lands which it is desired shall be secured for the use and benefit of the Indians is \$5,069, divided between the several owners as follows:

Improvements of J. H. Blazer.....	\$1,237
Improvements of Z. Hedges.....	3,325
Improvements of David M. Easten.....	507
Total.....	5,069

It should be stated that Agent Llewellyn inadvertently omitted to mention the improvements belonging to Mr. Easten in his letter to this office asking for the appointment of the Army Board, but having subsequently pointed them out to the Board, with request for their appraisement, they were appraised in like manner with the other improvements, and it is desirable that they be purchased with the rest.

In asking for an appropriation for the purchase of the improvements belonging to these settlers as appraised, I respectfully submit that it is very necessary to the future well-being of the Indians at the Mescalero Agency that they be put in possession of the lands upon which the improvements in question are situated. As stated in my former report, the Jicarillas, who were recently removed from the northern part of the Territory, are very much dissatisfied with their present location, which, besides being remote from the agency, is very poorly adapted to their wants, both on account of insufficiency of good land and difficulty of irrigation.

Aside from the land already occupied and cultivated by the Mesca-leros and the three settlers named, there is but very little land in the vicinity of the agency that is susceptible of cultivation, and it would be impossible to reclaim a like quantity of land anywhere on the reservation without incurring far greater expense than the purchase of the improvements would entail.

The lands upon which the improvements are located do not belong to the occupants. They have no legal title to the soil. It is true they may have settled on the land before it was reserved for Indian purposes, but as it was not subject to entry when they made their settlements, they could acquire no title thereto, and certainly not after the lands were reserved for Indian purposes. (9 Wall., 187; 15 *Ib.*, 77.)

The Mescalero Reservation was originally established by Executive order of May 29, 1873. Subsequent orders have changed the boundaries, either enlarging or reducing the area, but the lands upon which the improvements of Messrs. Blazer, Hedges, and Easten are situated have not been affected thereby.

They have been included in the reservation from the beginning.

I have prepared and herewith transmit (in duplicate) a draft of an item making provision for the purchase of the improvements therein referred to, for insertion in one of the appropriation bills, and as it is very important that the lands be turned over to the Indians in time to allow them to put in a crop the coming spring, I trust the matter will receive the earliest possible consideration.

Two copies of the report of the proceedings of the Army Board of Appraisement are herewith inclosed for transmittal to Congress.

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

Copy of indorsements on 5520, A. G. O., 1884, request from Interior Department that three officers of the Army located in military district of New Mexico be directed to proceed to Mescalero Indian Reservation and appraise the value of lands held by Dr. J. H. Blazer and Z. Hedges, and report thereon; with copy of proceedings of a Board of officers convened by S. O. No. 229, headquarters Department of the Missouri, dated November 28, 1884, for that purpose.

[First indorsement.]

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, November 18, 1884.

Official copy respectfully referred, through headquarters Division of the Missouri, to the Commanding General or the Department Missouri, who will make a detail of suitable officers for the Board herein requested, and report the action taken by him under these instructions to this office through the proper channels.

By command of Lieutenant-General Sheridan :

R. C. DRUM,
Adjutant-General.

[Second indorsement.]

HEADQUARTERS DIVISION OF THE MISSOURI,
ASSISTANT ADJUTANT-GENERAL'S OFFICE,
Chicago, November 24, 1884.

Respectfully transmitted to the Commanding General Department of the Missouri.
By command of Major-General Schofield.

R. WILLIAMS,
Assistant Adjutant-General.

MESCALERO INDIAN RESERVATION.

[Third indorsement.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Fort Leavenworth, Kans., November 29, 1884.

Respectfully referred by the Commanding General to Maj. J. J. Van Horn, Thirteenth Infantry, for the information of the Board of officers appointed by par. 4, S. O. 229, c. s., these headquarters (copy inclosed).

This paper to be returned, through District N. M., with the report of the Board.

J. P. MARTIN,
Assistant Adjutant-General.

[Fourth indorsement.]

FORT STANTON, N. MEX.,
December 18, 1884.

Respectfully returned, through headquarters District of New Mexico, Santa Fé, N. Mex., proceedings of the Board herewith inclosed.

J. J. VAN HORN,
Major Thirteenth Infantry, Commanding, President of Board.

Proceedings of a Board of officers convened at South Fork, N. Mex. (Mescalero Indian Reservation in New Mexico), by virtue of the following order, viz:

[Special Orders No. 229.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
FORT LEAVENWORTH, Kans., November 28, 1884.

(Extract.)

IV. A Board of officers, to consist of Maj. J. J. Van Horn, Thirteenth Infantry; Maj. H. S. Hawkins, Tenth Infantry; Capt. H. B. Rogers, Thirteenth Infantry, is appointed to meet at the Mescalero Indian Reservation, in New Mexico, at 10 a. m. on Thursday the 11th proximo, or as soon thereafter as practicable, to examine into, appraise, and report upon the value of the improvements on certain farming lands held by Dr. J. H. Blazer and Z. Hedges within said reservation.

The travel enjoined is necessary for the public service.

By order of Brigadier-General Angur:

J. P. MARTIN,
Assistant Adjutant-General.

SOUTH FORK, N. MEX.,
MESCALERO INDIAN RESERVATION,
December 12, 1884.

The Board met, pursuant to the foregoing orders, at 10 o'clock a. m. Present, all the members. The Board then proceeded to examine the land held by Dr. J. H. Blazer, and which was pointed out by Indian Agent W. H. H. Llewellyn as the land which they desired to have turned over to the Indians with improvements.

The tract consisted of about 90 acres, 35 of which is now under cultivation. The Board found that the following improvements have been made on the land, viz:

One mile of wire fence, cedar posts 15 feet apart, 3 wires, good condition. Eleven hundred and twenty-two yards of board fence, with cedar posts 6 feet apart, 2 boards, good condition. One acequia on south side of tract, 1,485 yards long, 5 feet wide, and 2 feet deep. One acequia on north side of tract, 750 yards long, 2 feet wide, and 1 foot deep. One acequia in center of tract, 759 yards long, three feet wide, and 1½ feet deep. Several cross acequias, 330 yards in all, in length, 3 feet wide, and 1 foot deep. Two small adobe houses, 2 rooms each, old and in rather poor condition.

The Board, after a careful examination of the improvements, noting condition, &c., appraised their value as follows:

1,760 yards of wire fence	\$163
1,122 yards of board fence	206
South acequia, 1,485 yards long, 5 by 2 feet	297
North acequia, 750 yards long, 2 by 1 foot	30
Centre acequia, 759 yards long, 3 by 1½ feet	76
Cross acequia, 350 yards long, 3 by 1 foot	20
2 adobe houses, \$100 each	200
Breaking up and reclaiming 35 acres of land, at \$7 per acre	245

Total value of improvements 1,237

This land is a heavy marsh land, and has to be drained two or three years before it can be broken up. Part of it could not be broken with a plow on account of

the heavy grass roots (Saccatone grass), and had to be grubbed with a hoe. Lime-stone formations had to be removed in various places, but where this was accomplished the land was most excellent for farming purposes, being inexhaustible in its richness.

The Board then proceeded to examine the land held by Z. Hedges, and which was pointed out by Indian Agent W. H. H. Llewellyn as the land which they desired to have turned over to the Indians, with improvements. The tract consisted of about 100 acres, all of which is under cultivation.

The Board found the following improvements have been made on the land, viz:

One mile board fence, three boards, cedar posts every 5 feet.

One-quarter mile wire fence, three wires, cedar posts every 5 feet.

Six hundred yards of cedar picket fence.

Three hundred yards of log and brush fence.

Seven hundred feet of board picket fence.

One acequia on south side of tract, 1,760 yards long, 3 feet wide, and 2 feet deep.

One acequia on north side of tract, 1,760 yards long, 2 feet wide, and 1½ feet deep.

One acequia on east side of tract, 440 yards long, 2 feet wide, and 1½ feet deep.

One acequia in center of tract, 840 yards long, 1½ feet wide and 1 foot deep.

One dwelling-house, adobe, 28 feet by 35 feet; one small house, adobe, 14 feet by 24 feet.

Two root-houses; one stable, with corrals; one chicken-house, with inclosure.

The Board, after a careful examination of the improvements, noting condition, &c., appraise their value as follows, viz:

1,760 yards of board fence	\$405
440 yards of wire fence	60
300 yards of log and brush fence	35
600 yards of cedar picket fence.....	210
700 feet of board picket fence.....	82
South side acequia, 1,760 yards, 3 feet by 2 feet.....	210
North side acequia, 1,760 yards, 2 feet by 1½ feet.....	105
East side acequia, 440 yards, 2 feet by 1½ feet	22
Center acequia, 840 yards, 1½ feet by 1 foot	25
Breaking up and reclaiming 100 acres of land, at \$7	700
One dwelling-house, adobe, 28 by 35; one small house, adobe, 14 by 24; two root-houses, one stable and corrals, one chicken-house	1,470
Total value of improvements	3,325

The same remarks apply to this tract of land as to that of Dr. Blazer, before mentioned, as regards the breaking up and reclaiming.

The Indian agent, W. H. H. Llewellyn, then pointed out a tract of land held by David M. Easten, of about 40 acres, of which about 25 is under cultivation. This tract Agent Llewellyn said was desired to be turned over to the Indians, with improvements, but that he had forgotten to mention it in his letter to the Indian Commissioner.

The Board having no orders to act upon this tract, at the request of Agent Llewellyn thought it advisable to appraise the value of the improvements on said land. This tract joins on to the lower end of Hedges's land and extends to the west line of the Indian reservation. The Board found the following improvements, viz: 874 yards of acequia, 3 by 2 feet; 736 yards of wire fence, 3 wires, cedar posts every 20 feet; 100 yards stake-and-rider fence; 501 yards board fence, 2 boards, cedar posts.

The Board, after a careful examination of the improvements, noting condition, &c., appraises their value as follows, viz:

874 yards acequia, 3 by 2 feet	\$105
736 yards wire fence	99
100 yards stake-and-rider fence	15
501 yards of board fence.....	113
Breaking up and reclaiming 25 acres of land, at \$7 per acre	175
Total value of improvements	507

None of the land has been surveyed, and the Board in appraising amount of reclaimed land has given a liberal interpretation to the estimates of the occupants.

There being no further business before it, the Board then adjourned *sine die*.

J. J. VAN HORN,

Major Thirteenth Infantry, President.

H. S. HAWKINS,

Major Tenth Infantry.

B. H. ROGERS,

Captain Thirteenth Infantry, Recorder.

MESCALERO INDIAN RESERVATION.

[Fifth indorsement.]

HEADQUARTERS DISTRICT OF NEW MEXICO,
*Santa Fé, N. Mex., December 22, 1884.*Respectfully forwarded to the adjutant-general, Department of the Missouri,
In the absence and by order of Colonel Swaim.JAMES FORNANCE,
First Lieutenant and Adjutant Thirteenth Infantry, A. A. A. General.

[Sixth indorsement.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Fort Leavenworth, Kans., December 27, 1884.

Respectfully forwarded to the Adjutant-General of the Army (through headquarters Division of the Missouri), inviting attention to the report of the Board inclosed to the fourth indorsement.

C. C. AUGUR,
Brigadier-General, Commanding.

[Seventh indorsement.]

HEADQUARTERS DIVISION OF THE MISSOURI,
Chicago, December 29, 1884.

Respectfully forwarded to the Adjutant General of the Army.

J. M. SCHOFIELD,
Major-General, Commanding.

ESTIMATE.

To enable the Secretary of the Interior to purchase certain improvements belonging to J. H. Blazer, Z. Hedges, and David M. Easten, within the Mescalero Indian Reservation in New Mexico, as appraised by a Board of Army Officers appointed by Special Orders No. 229, headquarters Department of the Missouri, dated November 28, 1884, five thousand and sixty-nine dollars.